

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA)
)
V.) Court No. 3:22CR00015-001
)
MICHAEL WATKINS HAYER)

**PRELIMINARY ORDER OF FORFEITURE
AS TO DEFENDANT MICHAEL WATKINS HAYER**

IT IS HEREBY ORDERED THAT:

A. As a result of the guilty plea on Counts 1 and 2 of the Information, violations of 21 U.S.C. § 841 and 18 U.S.C. § 922(g), and the defendant's agreement to forfeit certain assets and consent to waive notice of forfeiture, the defendant shall forfeit to the United States pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d) as authorized by 28 U.S.C. § 2461(c):

All property constituting or derived from proceeds the defendant obtained directly or indirectly as the result of such violations;

All property used or intended to be used in any manner or part to commit or facilitate the commission of the offense;

All firearms and ammunition possessed or used in violation of 18 U.S.C. § 922;

B. The Court has determined based on the evidence of record and the defendant's plea agreement that the following property is forfeited pursuant to one or more of the above statutes, in that the parties agree the government has established the requisite nexus between such property and said statutes, and the Court so finds:

	Asset ID No.	Item Description
(1)	22-FBI-007151	Ruger, Model SR9C, 9-millimeter handgun, bearing serial number 333-78224, and any ammunition seized with the firearm;
(2)	22-FBI-007151	Palmetto, Model PA-15, .223 caliber rifle, bearing serial number SCD594236, and any ammunition seized with the firearm
(3)	22-FBI-007151	Marlin, Model 60, .22 caliber rifle, bearing serial number 14512648, and any ammunition seized with the firearm.
(4)	22-FBI-007151	9MM ammunition with 2 magazines
(5)	22-FBI-007151	.223 ammunition with magazines
(6)	22-FBI-007151	.22 caliber ammunition

C. The United States is authorized to seize the forfeited property whether held by the defendant or by a third party and shall:

(1) pursuant to 21 U.S.C. § 853(n) publish notice of this Order, thereby giving notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier, and shall file the original petition with the U.S. District Court Clerk's Office, Charlottesville Division, 255 W. Main Street, Room 304, Charlottesville, VA 22902 and shall certify a copy of said petition to the U.S. Attorney's Office, Asset Forfeiture Section, P.O. Box 1709, Roanoke, VA 24008. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought;

(2) to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified;

D. The United States, at its discretion, shall be accompanied by federal, state, or local law enforcement officers to assist in the execution of this Order. Upon application by the United States, the Court shall issue any order necessary to effectuate and prevent the frustration of this Order pursuant to the All Writs Act, 28 U.S.C. § 1651(a).

E. Pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(B), discovery may be conducted in accordance with the Federal Rules of Civil Procedure to the extent necessary or desirable to resolve factual issues.

F. The United States shall have clear title to the subject property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third-party petitions.

G. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

H. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4), this Order of Forfeiture shall become final as to the defendant upon entry, and shall be made a part of the sentence and included in the judgment.

ENTERED THIS 31st DAY OF OCTOBER, 2022.



UNITED STATES DISTRICT JUDGE